

Similarly, claim 20 has been amended to delete the use of the term "the horizontal lines".

Similarly, claim 11 has been cancelled without prejudice to remove the term "the associated post".

The Examiner has rejected claims 1, 2, 21 and 22 as being anticipated by Gibbs.

The Examiner has taken the position that, with respect to hinges, the pivoting of the gate of Gibbs is at some time a movement perpendicular to the plane of the fence and, with respect to latches, securing the latch to the gate is such a movement.

The claims have been amended to include the limitation that the hinges and latches of the invention provide a sliding adjustment. This structure provides a variable translation of the gate with respect to the plane of the fence. No such structure is found in Gibbs. Therefore, it is respectfully submitted that the claims are not anticipated by Gibbs.

The Examiner has rejected claims 1, 12, 13, and 20 as being anticipated by Rogers.

The Examiner has taken the position that securing the latch to the gate is a movement perpendicular to the plane of the fence and that the symmetry no longer recited in claim 20 is present in the latch of Rogers.

The claims have been amended to include the limitation that the latches of the invention provide a sliding adjustment. This structure provides a variable translation of the gate with respect to the plane of the fence. No such structure is found in Rogers. Therefore, it is respectfully submitted that the claims are not anticipated by Rogers.

The Examiner has rejected claims 1-11 as being unpatentable over Gibbs in view of Rupprechter.

Claims 1-11 have been amended to better distinguish over the cited references. Claim 1 no longer includes an adjustable hinge

as a claimed alternative element and the relevant limitations of former claims 1, 2 and 3 are now included in claim 4.

Claim 4 recites that "the first component has a portion engaged with the first post and a portion spaced from the first post, and the second component has a portion located adjacent to the first post and between the first post and the spaced-away portion of the first component".

Neither Gibbs nor Rupprechter teaches or suggests such a structure. Gibbs has no adjustment and Rupprechter has a hinge portion that clamps into another hinge portion. The hinge arm 4 of Rupprechter is clamped to the base plate 3 with the nut 7. The arm 4 would not be adjacent to a fence post if substituted into the hinge of Gibbs.

Because Gibbs and Rupprechter can not be combined to produce the present invention, it is respectfully submitted that claims 4-10 are patentable over Gibbs in view of Rupprechter.

The Examiner has stated that claims 14-17 contain patentable subject matter.


In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance and notification of same is requested.

If any further fees are required by this communication, or if no check is enclosed, please charge such fees to our Deposit Account No. 16-0820, Order No. 32086US1.

Respectfully submitted,

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INDICATION OF AMENDMENTS TO THE CLAIMS
OF U.S. PATENT APPLICATION SERIAL NO. 10/037,248

Please cancel claims 2, 3, 11 and 21 without prejudice.

Please amend claims 1, 4, 10, 12, 20 and 22 to read as follows.

1 1. (amended) An adjustable gate hinge and latch system for
2 a fence gate of a fence, the system including:

3 a hinge to interconnect the gate to a first post of the
4 fence, the hinge supporting the gate and permitting pivoting
5 movement of the gate relative to the first fence post; and

6 a latch unit to secure the gate, to a second post of
7 the fence, in a closed position of the gate, said first and
8 second posts defining a generally vertical plane of said fence;

9 wherein [at least one of the hinge and] the latch unit
10 has an arrangement to permit adjustment of the gate relative to
11 the fence in a direction perpendicular to [a] the plane of the
12 fence when said gate is in a closed position, and the arrangement
13 includes two components that are relatively [movable] slidable
14 along the direction perpendicular to [a] the plane of the fence
15 and that are secured to each other subsequent to the movement
16 along the direction perpendicular to the plane of the fence.

1 4. (amended) An adjustable gate hinge and latch system for
2 a fence gate of a fence, the system including:

3 a hinge to interconnect the gate to a first post of the
4 fence, the hinge supporting the gate and permitting pivoting
5 movement of the gate relative to the first fence post; and

6 a latch unit to secure the gate, to a second post of
7 the fence, in a closed position of the gate, said first and
8 second posts defining a generally vertical plane of said fence;

9 wherein the hinge unit has an arrangement to permit
10 adjustment of the gate relative to the fence in a direction
11 perpendicular to the plane of the fence when said gate is in a
12 closed position, and the arrangement includes two components that
13 are relatively slidable along the direction perpendicular to the
14 plane of the fence and that are secured to each other subsequent
15 to the movement along the direction perpendicular to the plane of
16 the fence and the first component is fixedly attached to the
17 first post, and the second component is movable along the first
18 component along the direction perpendicular to the plane of the
19 fence and is secured to the first component and one of the two
20 components has an elongate slot extending in the direction
21 perpendicular to the plane of the fence and the other of the two
22 components has an opening, a fastener extends through the slot
23 and the opening, and the fastener is loosened to permit the
24 relative movement of the components and is tightened to secure
25 the components to each other and [A system as set forth in claim
26 3,] wherein the first component has a portion engaged with the
27 first post and a portion spaced from the first post, and the
28 second component has a portion located adjacent to the first post
29 and between the first post and the spaced-away portion of the
30 first component.

1 10. (amended) A system as set forth in claim [1] 4, wherein
2 the hinge can be inverted to be used on either of the two posts
3 associated with the gate.

1 12. (amended) A system as set forth in claim 1, wherein
2 [the latch unit has the arrangement,] the first component is
3 fixedly attached to the gate, and the second component is movable
4 along the first component along the direction perpendicular to
5 the plane of the fence and is secured to the first component.

1 20. (amended) A system as set forth in claim 12, wherein
2 the latch unit includes a latch pin mounted to move with the
3 gate, a latch mounting bracket attached to the second post on a
4 first side of the fence, and a catch member pivotally mounted
5 relative to the latch mounting bracket, the catch member includes
6 a center portion to engage and retain the latch pin when the gate
7 is in the closed position, an upper portion actuatable to operate
8 the catch member, and a lower portion actuatable to operate the
9 catch member, and wherein the latch mounting bracket and the
10 catch member [are each vertically symmetrical about horizontal
11 lines] can be inverted to be used on either of the two posts
12 associated with the gate.

1 22. (amended) An adjustable latch unit for a fence gate
2 between a first post and a second post of a fence, said first and
3 second posts defining a generally vertical plane of said fence,
4 the latch unit securing the gate to a post of the fence when the
5 gate is in a closed position, the latch unit including an
6 arrangement to permit adjustment of the gate relative to the
7 fence in a direction perpendicular to a plane of the fence when
8 said gate is in a closed position, and the arrangement includes
9 two components that are relatively [movable] slidable along the
10 direction perpendicular to a plane of the fence and that are
11 secured to each other subsequent to the movement along the
12 direction perpendicular to the plane of the fence.